



Department of Energy

Idaho Operations Office
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April 6, 2001

Mr. Dean Nygard, Site Remediation Program Manager
Idaho Department of Environmental Quality
Waste Management and Remediation Program
1410 N. Hilton
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Mr. Wayne Pierre, Team Leader
Environmental Cleanup Office
U.S. Environmental Protection Agency
Region X
1200 Sixth Avenue
Seattle, Washington 98101

SUBJECT: Response to Idaho Department of Environmental Quality Letter Concerning the
Schedule of the SFE-20 Remediation (EM-ER-01-061)

Dear Mr. Nygard and Mr. Pierre:

This letter is in response to the Idaho Department of Environmental Quality (IDEQ) letter, dated March 14, 2001, concerning the schedule for the SFE-20 remediation. That letter refers to the schedule presented in the Final Characterization Work Plan for the VES-SFE-20 Hot Waste Tank at INTEC (DOE/ID-10747, August 2000). The schedule that was presented in the document (DOE/ID-10747) was based on the premise of sampling the liquid along with treatment of the liquid through the Process Equipment Waste Evaporator (PEWE) at the Idaho Nuclear Technology and Engineering Center (INTEC).

The sampling requirements for waste entering the PEWE were discussed with the PEWE operating personnel. In an effort to be more cost effective and efficient based on the PEWE sampling requirements, a reduced analyte list was developed and submitted to both the IDEQ and EPA personnel working on the SFE-20 project for discussion. This reduced analyte list met the requirements for disposing waste in the PEWE according to the facilities waste acceptance criteria. A conference call was held with the IDEQ and EPA personnel where the reduced sampling list was discussed. After the conference call, a letter from IDEQ (dated November 9, 2000) was received that disagreed with the reduced analyte list and questioned the requirements for the PEWE. In addition, no concurrence has been received from IDEQ concerning whether PEWE is an acceptable treatment for the SFE-20 tank liquid.

The approach to remediation of the SFE-20 tank system contained in the Remedial Design/Remedial Action Scope of Work for Waste Area Group 3, Operable Unit 3-13 (DOE/ID-10721, February 2000) was also based on the premise of characterizing the tank liquid and solids and then conducting a treatability study on the tank solids. Treatment of the liquid would occur in the PEWE provided the liquid met the waste acceptance criteria for PEWE. As the PEWE is no longer considered viable for treatment of the liquid based on IDEQ issues and

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comments, the approach to dealing with the liquid has changed. Therefore, there will not be a *PEW Evaporator Acceptability Evaluation* developed as discussed in the characterization work plan schedule or as requested in your letter.

A letter was received from IDEQ (dated August 10, 2000) requiring that a Resource Conservation and Recovery Act (RCRA) Closure Plan be developed and submitted to IDEQ for approval. This was not consistent with the Operable Unit 3-13 Final Record of Decision (DOE/ID-10660, October 1999) or the OU 3-13 RD/RA WP (DOE/ID-10721). The Department of Energy (DOE) disagreed with the requirement from IDEQ for a RCRA closure plan on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) project under the Federal Facility Agreement and Consent Order (FFA/CO). There were subsequent discussions with IDEQ concerning this requirement for a RCRA closure plan, which DOE continued to disagree with. As a result, DOE initiated formal dispute resolution process (FFA/CO Section IX) on November 13, 2000, with a letter to Katherine Kelly (IDEQ), Michael Gearhard (U.S Environmental Protection Agency, Region X), and Jerry Lyle (DOE, Idaho Operations Office). The dispute resolution process was completed and finalized on March 19, 2001, when a Memorandum of Agreement (MOA) was signed between Stephen Allred (IDEQ) and Jerry Lyle (DOE-ID).

Because the outcome of the SFE-20 formal dispute was unknown, field activities associated with collection and analysis of the tank liquid and solids were stopped. Discontinuation of the characterization work was discussed with both the IDEQ and EPA personnel in November 2000 prior to the stopping of work. In addition, the discontinuation of the characterization work was discussed during the November 22, 2000, FFA/CO Project Managers conference call. There was no demand or requirement expressed to restart the characterization activities for the SFE-20 project. Therefore, the discontinuation of the characterization activities for the SFE-20 project was not a unilateral curtailment by DOE. Based on this, neither the *Interim Analytical Data Report* nor the *Characterization Report* will be developed as discussed in the characterization work plan schedule or as requested in the IDEQ letter.

Since the development and finalization of the OU 3-13 RD/RA SOW (DOE/ID-10721), the approach to remediation of Group 7 (SFE-20 tank system) has changed. It is no longer necessary to characterize the waste in the SFE-20 tank prior to development of the Remedial Design/Remedial Action Work Plan (RD/RA WP) for the SFE-20 project. This is based on the method (solidification/stabilization) that will be used to treat the liquids and solids within the SFE-20 tank. In addition, the approach to other aspects of the Group 7 remediation have also changed to a simpler design and remedial action. As such, it is no longer necessary to prepare a separate Title I (30%) design, but when scheduled the project will proceed directly to the development of the RD/RA WP for the SFE-20 project. It should be noted that much of the information contained in the Characterization Work Plan (DOE/ID-10747) will be utilized in the development of the RD/RA WP for the SFE-20 project.

DOE pursuant to Section 15.1 of the FFA/CO considers the requirement by IDEQ for DOE to develop and submit the RCRA closure plan additional work. As result of the MOA between IDEQ and DOE, a RCRA closure plan is being developed by DOE for submittal to IDEQ that incorporates the OU 3-13 Record of Decision (DOE/ID-10660) as alternative requirements for closure of the SFE-20 tank system. The impact on scope, schedule, and budget for

implementation of the RCRA closure plan has not been determined at this time and cannot be determined until the RCRA closure plan is approved.

The scope and responsibility for the SFE-20 project underwent the formal FFA/CO dispute resolution process from November 13, 2000, to March 19, 2001, as defined in Section IX of the FFA/CO. Resolution of the formal dispute process was not within the control of the SFE-20 project. This has resulted in a slip in the useable schedule of approximately 5 months. Also, the scope and resulting issues for the RCRA closure plan have not been identified, resolved, or the RCRA closure plan approved. Depending on how the finalization of the closure plan is accomplished, a schedule extension may be necessary for submittal of the Draft RD/RA WP for Group 7 to the EPA and IDEQ.

The above discussion provides the rationale and information concerning each of your issues and questions regarding the schedule for the SFE-20 remediation. If you have any questions, please call Talley Jenkins at (208) 526-4978 or myself at (208) 526-4392.

Sincerely,



Kathleen E. Hain, Director
Environmental Restoration Division

cc: M. English, IDEQ, Technical Services Group, 1410 N. Hilton, Boise, Idaho 83706
R. Cummings, DOE-HQ, EM-441